

APPEAL NO. 022307  
FILED OCTOBER 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 7, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth quarter.

The claimant appeals that determination, contending that, "the claimant has no ability to work in any capacity, not even a sedentary job." The respondent responds, urging affirmance.

DECISION

Affirmed.

Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. At issue in this case is whether the claimant met the good faith job search requirement of Section 408.142(a)(4) by complying with Rules 130.102(d)(4) and 130.102(e).

The claimant based his request for SIBs for the forth quarter on an assertion of a total inability to work. Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work. The hearing officer, in his statement of the evidence, summarized the medical evidence and concluded that the treating doctor "did not provide an explanation how the [compensable] injury prevented the claimant from returning to work." The hearing officer also referenced a functional capacity evaluation which indicated that the claimant "could perform sedentary duties."

In Texas Workers' Compensation Commission Appeal No. 000318, decided March 29, 2000, we stated that if an "other record" exists that shows an ability to work, that ended the inquiry and that the claimant in that case had not met his burden of proving a total inability to work. After review of the record before us, and the complained-of determinations, we have concluded that there is sufficient factual and legal support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **HIGHLANDS INSURANCE GROUP** and the name and address of its registered agent for service of process is

**HIGHLANDS INSURANCE GROUP  
JAMES W. HOOKER  
10370 RICHMOND AVE.  
HOUSTON, TEXAS 77042.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge